

5 **I. General Remarks Concerning This Response**

Claims 1-35 are currently pending in the present application. No claims have been amended, added, or canceled in this response. Reconsideration of the claims is respectfully requested.

10 Applicant notes that the Office action did not acknowledge the formal drawings that were filed with the PTO on 03/08/2001. Applicant requests an acknowledgment of the receipt of the formal drawings and an indication of whether or not the formal drawings were acceptable.

15 **II. 35 U.S.C. § 103(a)–Obviousness**

15 The Office action has rejected all claims under 35 U.S.C. § 103(a) as unpatentable over Grantges, Jr. et al., "Secure Gateway Having Routing Feature", U.S. Patent Number 6,510,464, filed 12/14/1999, issued 01/21/2003, either singly or in combination with other references. This rejection is traversed.

20 The first element of independent claim 1 reads as follows:

20 at a client, responsive to a request to retrieve the protected resource, generating a one-time only use piece of data which can be used to authenticate that the request is bound to a given identity contained in a cookie previously set by an authentication server.

25 The Office action admits that the primary reference in the rejection of each claim, Grantges, Jr. et al., does not disclose this feature by stating: "However, Grantges, Jr. et al. do not teach the use of the piece of data one-time only to authenticate specifically."

30 The rejection then continues by confusingly pointing to a portion of that teaches the use of a timestamp to limit the valid time period of an authentication cookie. First, the present patent application also teaches the use of timestamps to limit the valid time period on an authentication cookie, e.g., to limit the ability of a replay attack by a malicious party. Applicant

mentions this feature in order to differentiate it from the feature of the one-time-only-use piece of data. If the timestamp in Grantges, Jr. et al. is equivalent to anything in the present invention, it is equivalent to Applicant's use of a timestamp.

5 The timestamp in Grantges, Jr. et al. is not equivalent nor analogous to the one-time-only-use piece of data in the present invention.

Second, the cookie in the system of Grantges, Jr. et al. can be used multiple times within a given time period; it is not limited to a one-time-only use. In the present invention, a cookie that is set by a server at the client may be used multiple times, but the one-time-only-use piece of data is limited to its description--it is can only be validly used one time.

Third, the one-time-only-use piece of data is generated at the client, not at the server. The data items in Grantges, Jr. et al. to which the rejection refers are generated at the server, not at the client.

Fourth, the claims explicitly recite the purpose of the one-time-only-use piece of data, which is that "the one-time-only-use piece of data which can be used to authenticate that the request is bound to a given identity contained in a cookie previously set by an authentication server". In other words, the one-time-only-use piece of data is not merely a piece of data that is used only one time; the one-time-only-use piece of data contains information that allows a server to authenticate that the request is bound to a given identity in a cookie, which would accompany the request from the client to the server.

Hence, the server can determine that the request truly originated from a user or client that is associated with the provided identity. Grantges, Jr. et al. does not disclose anything that is similar to this feature, and the rejection has not even attempted to argue that Grantges, Jr. et al. does disclose this feature; Applicant asserts that the silence of the rejection on

this complete feature is reflective of the fact that Grantges, Jr. et al. does not teach this feature.

5 Examiner bears the burden of establishing a *prima facie* case of obviousness

The examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985). In response to an assertion of obviousness by the Patent Office, the applicant may attack the Patent Office's *prima facie* determination as improperly made out, present objective evidence tending to support a conclusion of nonobviousness, or both. *In re Fritch*, 972 F.2d 1260, 1265, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992).

25 The prior art references clearly fail to disclose at least one feature of the present invention as recited within each independent claim, notwithstanding the arguments presented by the Office action, thereby rendering the prior art references incapable of being used as argued by the current rejection. Moreover, a hypothetical combination of the prior art references would also fail to reach the claimed invention of the present patent application. As should be recognized, because the primary and secondary references in the rejection fail to disclose the claimed features against which the references were applied, and

because the references fail to be combinable to produce these claimed features, the rejection fails to fulfill the requirements of a proper obviousness argument.

With respect to the claims of the present patent application, Applicant respectfully submits that it would not have been obvious for one having ordinary skill in the art to have used the applied prior art references to reach the claimed invention. Hence, a rejection of the claims cannot be based upon the cited prior art to establish a *prima facie* case of obviousness. Therefore, a rejection of the claims under 35 U.S.C. § 103(a) has been shown to be insupportable in view of the cited prior art, and the claims are patentable over the applied references. Applicant respectfully requests the withdrawal of the rejection of the claims.

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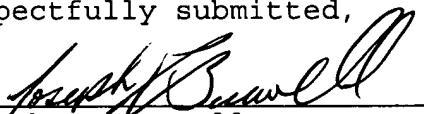
III. Conclusion

It is respectfully urged that the present patent application is patentable, and Applicant kindly requests a Notice of Allowance.

20 For any other outstanding matters or issues, the examiner is urged to call or fax the below-listed telephone numbers to expedite the prosecution and examination of this application.

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Respectfully submitted,


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